

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BAYINNAH HARRISON,	)	CIVIL NO. 8:07CV407
Individually, and as Next Friend of	)	
and Conservator for AMUNIQUE	)	
HARRISON, a Minor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NOTICE OF REMOVAL
	)	
BOARD OF REGENTS OF THE	)	
UNIVERSITY OF NEBRASKA,	)	
CHILDREN'S HOSPITAL,	)	
AMY LACROIX, M.D.,	)	
JOHN W. SCHMIDT, M.D.,	)	
BRADLEY MEYER, D.O.,	)	
TRAVIS STEPHENSEN, M.D.,	)	
DANIEL FABER, M.D.,	)	
WARD TRUEMPER, M.D.,	)	
CHAD BRANECKI, M.D.,	)	
	)	
Defendants.	)	

Pursuant to 28 U.S.C. § 2679(d)(2), the Defendants, Bradley Meyer, D.O., and Travis Stephensen, M.D., remove to this Court the State Court civil action indicated in the attachments to this Notice.

Said Defendants represent that:

1. Bradley Meyer, D.O., and Travis Stephensen, M.D., hereinafter referred to as Defendants, are Defendants in the above captioned civil action which is pending in the District Court of Douglas County, Nebraska, as Case number Doc. 1074, No. 203. No trial

has yet been had in that action. Copies of all process, pleadings and orders served upon the Defendants in that action are attached to this notice as Exhibit A.

2. At all times relevant herein, Defendants were employees of the United States as Air Force doctors completing a three-year residency in family medicine.

3. The Plaintiff in the state court action seeks damages from Defendants stemming from care that Amunique Harrison received on August 14-16, 2005, at Children's Hospital in Omaha, Nebraska.

4. The Plaintiff's claim for relief allegedly arises under Neb. Rev. Stat. § 44-2822. However, Congress has provided that the exclusive remedy for such an alleged "wrongful" act of an employee of the United States Government, acting within the scope of his employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. §§1346(b); 2671-2680 (1988). See the Federal Employees' Liability Reform and Tort Compensation Act of 1988, §5, Publ. No. 100-694, 102 Stat. 4563 (1988) [codified at 28 U.S.C. § 2679(b)(1)]. Attached hereto as Exhibit B is the certification of the United States Attorney that the Defendants were acting within the scope of their employment at time of the incident out of which the claim arose. Title 28 U.S.C. § 2679(d)(2) provides that this action shall be removed to United States District Court upon such certification.

WHEREFORE, Defendants pray that the above-captioned action, pending in the District Court of Douglas County, Nebraska, be removed to this court.

Respectfully submitted,

BRADLEY MEYER, D.O. and  
TRAVIS STEPHENSEN, M.D.,  
Defendants

JOE W. STECHER  
United States Attorney  
District of Nebraska

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REQUEST FOR TRIAL

The United States of America requests that trial of this case be held at Omaha, Nebraska, and that the case be calendared accordingly.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following by mailing same this 12th day of October, 2007, by United States mail, sufficient postage prepaid.

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s/ Robert L. Homan  
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Assistant U.S. Attorney